

International Labor Rights Fund

Submission to US Department of Labor in response to Federal Register notice FR Doc. E6-20561 published November 29, 2006, titled “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor.”

Re: Uzbekistan

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1. Introduction

The Republic of Uzbekistan is among the eligible beneficiaries for the US Generalized System of Preferences (GSP) under the Trade Act of 1974, 19 U.S.C. §2461 *et seq.*, as amended, which also lists cotton and cotton made products as commodities and goods subject to GSP rules. Uzbekistan is the second largest exporter of cotton in the world and generates more than USD 1 billion a year, which represents 60% of the hard currency earnings of the country. Uzbekistan is listed in the Department of Labor’s Federal Register notice FR Doc. E6-20561 as one of the countries to be included in the Department of Labor’s annual report on trade beneficiary countries’ implementation of international commitments to end the worst forms of child labor.

There are significant and growing concerns regarding Uzbekistan’s deteriorating human rights record, both directly and indirectly linked to cotton production and export. The government of Uzbekistan continues to violate rights to freedom of religion, expression, association, and assembly. It has no independent judiciary, and torture is widespread in both pre-trial and post-conviction facilities. The government continues to interfere with the work of civil society groups, the media, human rights activists, and opposition political parties.

State-orchestrated forced child labor is a common practice during the cotton harvesting season. In 2006, this issue was raised in concluding observations of both the UN Committee on the Rights of the Child and the UN Human Rights Committee. Every year, the government of Uzbekistan mobilizes hundreds of thousands of children - some as young as seven - for the manual harvesting of cotton. Children perform arduous work in harsh conditions and are punished by beatings, scolding and detention if they fail to fulfil Soviet-style production quotas. The government of Uzbekistan has not only failed to enforce its laws against forced and compulsory labor, but also continues to deny the existence of the problem.

2. Background information

a) Soviet Style Forced Labor in Cotton Production

The cotton monoculture in Uzbekistan at the expense of all the other crops is a legacy inherited from the former Soviet Union. The Soviet regime had designated certain of its republics as highly specialized producers of certain commodities. Uzbekistan was designated as a major supplier of cotton. In order to expand the production of cotton in Uzbekistan, the Soviet Administration increased its planted acreage with massive irrigation and intensive use of fertilizers. This led to the forced labor of millions of people on state-owned farms. In the 1930s, thousands of special settlers (Karachais, Crimean Tatars, Meskhetian Turks, Russian Germans and many others) were deported to Central Asia and were forced to cultivate cotton. By the end of 1930s the USSR had become self-sufficient in cotton.¹

The mass mobilization of children was one of the characteristics of cotton production during the Soviet regime. Rural schoolchildren from the 9th grade (14 years old) and above were forced to pick cotton up to two months every year. Public employees, including doctors, teachers, accountants and many others were also mobilized and forced to harvest cotton. After Uzbekistan achieved independence from the former Soviet Union, the situation deteriorated significantly. Now the mobilization involves children at a younger age than ever before, due to significant drop in the level of mechanisation in cotton harvesting, which has decreased from 50% prior to independence to just 10% now.²

b) Slavery in the fields of independent Uzbekistan

The UK-based Environmental Justice Foundation (EJF), a nonprofit advocacy organization, reported in late 2005 that every year hundreds of thousands of Uzbek schoolchildren, some as young as seven, are forced by the Government of Uzbekistan to work in the national cotton harvest for up to 3 months.³ Under pressure to meet centralised cotton production quotas, local administrators shut down rural schools. Head-teachers are issued with cotton harvesting quotas, which are subdivided among teachers and then among the schoolchildren in each class.⁴ Children failing to meet their cotton harvesting quotas risk punishment by scolding and detentions, and any student refusing to take part may face expulsion from school.⁵

The practice has a substantial negative impact on both the health and education of those children involved. Furthermore these children gain negligible – if any – economic benefit from their labor. Instead the billion dollar profits derived from

¹ Otto Pohl, A Caste of Helot Laborers: Special Settlers and Cultivation of Cotton in Soviet Central Asia: 1944-1956. Presentation for the conference "Cotton Sector in Central Asia: Economic Policy and Development Challenges". School of Oriental and African Studies Conference, London 3-4 November 2005

² Tahlil and Save the Children. Child labor in Uzbekistan. 2002

³ White Gold: The True Cost of Cotton. Uzbekistan, Cotton and the Crushing of a Nation. Environmental Justice Foundation, 2005. London, UK

⁴ IWPR investigation into Uzbekistan cotton 10.12.2004 cited by Ibid.

⁵ Ibid.n.4

Uzbek cotton production and export are monopolised by the country's government and used to provide 60% of the state's hard currency export earnings⁶.

According to EIJ, it is difficult to quantify the number of children involved. One estimate has been provided by UNICEF, who suggest that 22.6 percent of children ages 5 to 14 years in Uzbekistan were working in 2000.⁷ Estimates prepared by Uzbek human rights defenders working regionally suggest that around 200,000 children may be involved in cotton harvesting in the Ferghana region, and 60,000 in Jizzakh provinces. While none of the above statistics offers a clear insight into the extent to which children are currently used in cotton harvesting, together they point towards an annual figure running to hundreds of thousands.⁸

For their arduous work children are paid very little or nothing. According to EIJ, children working in Ferghana claimed to work from 7am to 5pm in return for 8 to 16 US cents. Others in the same region said they were paid around 3.5 US cents per kilo. One Uzbek human rights campaigner explained that in many cases, the small amount of money that children earn through cotton harvesting is taken by the government to compensate for food, transport and accommodation provided, which are charged as debt to the children throughout the period of the harvest⁹. As a result some child laborers are in fact placed in debt bondage by the state, a clear violation of ILO 182.

While some children are allowed to return home to their parents after each day's work, other children are housed in makeshift barracks. Buildings are often semi-dilapidated, without electricity, and sleeping quarters are commonly overcrowded; in some cases children are reportedly forced to sleep out in the open¹⁰.

Access to water is also a problem. An investigation conducted by the Karshi city branch of the Uzbekistan Human Rights Society found an almost complete lack of clean drinking water provided to children in the Nishan region¹¹. A Jizzakh-based human rights worker interviewed by EIJ explained that in some cases Uzbekistan's child laborers resort to drinking from irrigation ditches. These claims were corroborated by observers from international NGOs.

After weeks of hard labor in the cotton fields, often without access to clean drinking water, adequate nutrition or accommodation, many Uzbek children suffer from illness and malnutrition. Some reportedly acquire chronic diseases such as intestinal and respiratory infections, meningitis and hepatitis¹². Inadequate clothing renders others susceptible to rheumatism and conditions associated with exposure to damp and cold conditions.

⁶ Uzbekistan: Country Profile, Economist Intelligence Unit (2004)

⁷ *Multiple Indicator Cluster Survey (MICS)*, UNICEF, December 5, 2000, Table 42, 7; available from <http://www.childinfo.org/MICS2/newreports/uzbekistan/uzbekistan.PDF>

⁸ Ibid. n.4

⁹ EIJ interview with Galima Bukharbaeva, Uzbek human rights campaigner (March 2005) cited by Ibid.n.4

¹⁰ Ibid.n.4

¹¹ Investigation: Patriotic Uzbek Child Laborers, Institute of War and Peace Reporting (2004)

http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=henirca2004

¹² Tahlil and Save the Children, Child labor in Uzbekistan (2002)

In extreme cases children die during the harvest. In 2004, one human rights organisation confirmed eight cases of children and students who died while working as cotton harvesters in Samarkand¹³. According to an investigation by the Institute for War and Peace Reporting (IWPR), some local authorities are so desperate to meet regional cotton production targets that they are reluctant to send sick children to the hospital because they need their labor to complete the harvest¹⁴.

The most disturbing health hazards associated with child labor in the cotton industry concern the application of pesticides. In the summer of 2004, Uzbek human rights monitors and observers from the international NGO community documented a case of children in Ferghana who were set to work applying cotton pesticides¹⁵. Provided with no protective clothing of any kind, the children were issued with plastic water bottles containing liquid chemicals and made to douse the crop. The children had reportedly been excused from their end-of-year exams and told that if they refused to apply the chemicals, they would be kept back a year at school¹⁶. Journalists who interviewed some of the children involved recorded one as saying that the chemicals burnt his skin upon contact¹⁷.

Forced child labor also has a substantial negative impact upon the education of the country's rural schoolchildren. From the age of seven, children living in rural areas can expect to lose up to 3 months of their education every year as they are sent to the fields. This represents a loss of up to one third of the time available for study each year.¹⁸ Rural children are said to lag behind their urban peers in schooling, due to participation in the cotton harvest¹⁹.

3. Failure of the Government of Uzbekistan to enforce legislation against forced child labor or to implement international human rights commitments

Economic exploitation is prohibited in both Constitution and Labor Code of Uzbekistan. Namely, Article 37 of the Constitution of Uzbekistan prohibits forced labor, except as punishment under the sentence of a court, and the Labor Code of Uzbekistan sets 16 as a minimum age for admission to employment, although children aged 14 are permitted to work after the hours of study in performing light work without any hazards to health, with the permission of a parent or guardian.²⁰ The rights of a child for education and health are also stipulated in laws "on Education" and "on Protection of Public Health". However these regulations remain only on

¹³ Investigation: Patriotic Uzbek Child Laborers, Institute of War and Peace Reporting (2004)

http://www.iwpr.net/?p=rca&s=f&o=162102&apc_State=henirca2004

¹⁴ Ibid.

¹⁵ EJF interview with Uzbek human rights defender (2005); EJF interview with Michael Hall, Central Asia Analyst, International Crisis Group (2005) cited by Ibid. n.4

¹⁶ Further Growth in Uzbek Child Labor, Institute of War and Peace Reporting (18 June 2004)

http://www.iwpr.net/?apc_State=hruirca2004&l=en&s=f&o=175887 cited by Ibid.n.4

¹⁷ Ibid.

¹⁸ Ibid. n.4

¹⁹ See UN Office for the Coordination of Humanitarian Affairs, *Uzbekistan: Focus on Rural Schools*, [online] August 10, 2004 [cited August 31, 2004]; available from <http://www.irinnews.org/report.asp?ReportID=38047&SelectRegion=Central Asia&SelectCountry=UZBEKISTAN>

²⁰ See U.S. Embassy- Tashkent, *unclassified telegram no. 3730*, October 15, 2002. See Article 77 of the Labor Code as cited by U.S. Department of State, *Country Reports- 2003: Uzbekistan*, Section 6d.

paper. In practice, the economic exploitation of school-age children is widespread and organized by the government itself.

The main law enforcement agencies in Uzbekistan are the Prosecutor General and the Ministry of Interior. The Ministry of Labor and Social Protection does not have legal jurisdiction over child labor enforcement.²¹

Uzbekistan is also a party to numerous international human rights and labor rights treaties. Since its independence in 1991, Uzbekistan has ratified all six major UN international human rights treaties, including the Convention on the Rights of the Child.²² Article 32 of this Convention recognizes the right of a child “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral and social development.”

In April 2006 the UN Committee on the Rights of the Child stated in its concluding observations that it is: “deeply concerned at the information about the involvement of the very many school age children in the harvesting of cotton resulting in serious health problems such as intestinal and respiratory infections, meningitis and hepatitis.” The Committee recommended to the government of Uzbekistan that it take all measures to comply with international child labor standards and establish mechanisms to monitor the situation.²³

Forced child labor was also mentioned by the Committee on Economic Social and Cultural Rights in its concluding observations for Uzbekistan. It stated: “The Committee is concerned about the persistent reports on the situation of school-age children obliged to participate in the cotton harvest every year who, for that reason, do not attend school during this period.”²⁴

Uzbekistan has ratified several International Labour Organization (ILO) Conventions, including Convention 29 on Forced Labor, and Convention 105 on Elimination of Forced Labor. However, it has failed to ratify Convention 138 on the Minimum Age for Admission to Employment of 1973 or Convention 182 on the Worst Forms of Child Labor of 1999.

In 2005 the Government of Uzbekistan submitted its first report concerning ILO Conventions No 29 and 105 to the ILO Committee of Experts. The Committee has issued a Direct Request to the Government of Uzbekistan for more information

²¹ U.S. Embassy- Tashkent, *unclassified telegram no. 2056* cited by US Department of Labor. Bureau of International Labor Affairs. See at:

<http://www.dol.gov/ilab/media/reports/iclp/tda2004/uzbekistan.htm>

²² see at <http://www.ohchr.org/english/law/index.htm>

²³ Concluding Observations of the Committee on the Rights of the Child: UZBEKISTAN, Forty-second session. CRC/C/UZB/CO/2, 2 June 2006

²⁴ UZBEKISTAN. Concluding observations of the Committee on Economic, Social and Cultural Rights E/C.12/UZB/CO/1, 24 January 2006, Thirty-fifth session

concerning the use of forced labor. Unfortunately none of these documents are publicly available.²⁵

In 2004, representatives from the Government of Uzbekistan participated in an assessment mission in order to gather preliminary information about the child labor situation in Central Asia.²⁶ Subsequently the US Department of Labor provided funding to ILO-IPEC for a sub-regional project to enhance the capacity of national institutions to eliminate the worst forms of child labor and to share information and experiences across the sub-region.²⁷ However there has been no positive change in the situation in cotton harvesting in Uzbekistan since then.

4. The Government of Uzbekistan Denies the Existence of Forced Child Labor in the Country

The Government of Uzbekistan denies that the mass mobilization of children is an official policy, claiming that children volunteer out of loyalty to family or their community. Blame is apportioned to irresponsible parents. It is certainly true that traditionally, children in poorer rural households have worked to supplement the family income by helping on family-owned plots²⁸; and child labor is also prevalent in silk, rice and tobacco farms²⁹. However, given the strictly-imposed cotton quotas, and the imposition of sanctions or penalties on non-compliant families, in reality there is no alternative but that families and whole villages participate in the cotton harvest.³⁰

The Government of Uzbekistan has officially denied the existence of forced child labor in cotton harvesting. In private, however, some Uzbek officials do admit the use of forced child labor in the cotton harvest.³¹ In a 2004 interview with journalists from the Institute of War and Peace Reporting, an official from the Jizzakh regional administration privately admitted that the use of child labor was widespread and that the cotton industry couldn't survive without it³².

²⁵ The ILRF requested copies of the submission and response from the ILO Committee in Geneva in August 2006 and was informed that these documents were not available to the public.

²⁶ The mission was lead by ILO-IPEC and took place in June 2004. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labor*, project document, RER/04/P54/USA, Geneva, September 2004, 1. The Government of Germany provided funding in 2003 to carry out these activities. ILO-IPEC Official, Active IPEC Projects as of May 1, 2004, USDOL Official, 2004.

²⁷ Countries participating in the sub-regional project are Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. See ILO-IPEC, *CAR Capacity Building Project*, vii.

²⁸ The Failure of Reform in Uzbekistan: Ways Forward for the International Community, International Crisis Group (2004) <http://www.crisisgroup.org/home/index.cfm?id=2537&l=1> cited by Ibid.n.4

²⁹ Uzbekistan: Country Reports on Human Rights Practices 2003, United States Department of State (2004) <http://www.state.gov/g/drl/rls/hrrpt/2003/27873.htm> cited by Ibid.n.4

³⁰ Ibid.n.4

³¹ Ibid.

³² Further Growth in Uzbek Child Labor, Institute of War and Peace Reporting (18 June 2004) http://www.iwpr.net/?apc_State=hruirca2004&l=en&s=f&o=175887

Conclusion

Uzbekistan's practice of using state-orchestrated forced child labor in national cotton production is a clear and substantial breach of its commitments under the human rights treaties, and a clear violation of ILO Convention 182 prohibiting the Worst Forms of Child Labor. Uzbekistan has neither ratified ILO 182 nor otherwise undertaken meaningful actions to prohibit the practice of forced child labor in the substantial and economically significant cotton sector. It therefore must be concluded that Uzbekistan is in violation of the core labor standards articulated in the Trade and Development Act of 2000 and the eligibility criteria established in the Generalized System of Preferences program.